

CARLOS M. RAMIREZ  
MAYOR

MONICA D. CUNNINGHAM  
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR  
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL  
EXECUTIVE ASSISTANT TO THE MAYOR



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ELVIA G. HERNANDEZ  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 8, 2001  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Carlos M. Ramirez present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Paul Joseph Escobar, Luis G. Sariñana and Elvia G. Hernandez. Absent: None. Meeting was called to order and the invocation was given by Ms. Carole Hunter, City Clerk, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Ortega, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved under Consent Agenda will be shown with an asterisk {\*}).

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\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of March 27, 2001.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

THAT THE MAYOR AUTHORIZE THE PURCHASING DEPARTMENT OF THE CITY OF EL PASO TO ADVERTISE TO THE PUBLIC THE SALE OF A VACANT LOT AT THE 8600 BLOCK OF GATEWAY BOULEVARD SOUTH. THAT THE MAYOR AUTHORIZE THE LEGAL DEPARTMENT OF THE CITY OF EL PASO TO OBTAIN AN APPRAISAL TO ESTABLISH VALUE.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

That the Mayor authorize the Purchasing Department of the City of El Paso to advertise to the public the sale of a vacant lot at the 8600 Block of Gateway Boulevard South. That the Mayor authorize the Legal Department of the City of El Paso to obtain an appraisal to establish value.

Representative Medina asked questions regarding the bidding process that the City would be following regarding selling properties. He asked that a "For Sale" sign be placed on the property and that the physical address of the property be posted in the newspaper as well.

Mr. Robert Andron, Assistant City Attorney, explained that the State statute requires that the public be notified when selling a piece of land. Mr. Andron stated that this is a piece of property which the City is selling and not a tax sale piece of property. Mr. Andron added that he will coordinate with the delinquent tax Attorneys regarding the advertisements.

Ms. Monica D. Cunningham, Chief Administrative Officer, added that Council Members are authorizing the Purchasing Department to move forward which means that the Purchasing Department will publish in the newspaper, the necessary information for public knowledge.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND ONE HUNDRED AND NO 100THS DOLLARS (\$7,100.00 - 2,925 loan/\$4,175 grant) against the following described real property:

Lot 51, Block 1, Tejas Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 1, Page 23, Plat Records of El Paso County, Texas; also known and numbered as 5915 Trowbridge, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY ONE THOUSAND EIGHT HUNDRED AND NO 100THS DOLLARS (\$21,800.00 - \$9,712 loan/\$12,088 grant) against the following described real property:

Lot 21, Block 16, Thomas Manor Unit, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 19, Page 29, Plat Records of El Paso County, Texas; also known and numbered as 7866 Broadway, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
**R E S O L U T I O N**

**WHEREAS**, on May 16, 2000, the City of El Paso, Texas ("the City"), and the County of El Paso, Texas ("the County"), executed an Interlocal Agreement pursuant to the provisions of Texas Government Code, Chapter 791, which authorizes local governments of the state to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and;

**WHEREAS**, under the terms of the Interlocal Agreement, funds available to the City under the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program, and as provided to the County by the Texas Department of Housing and Community

Affairs ("TDHCA"), respectively, were utilized to create a Revolving Loan Fund ("RLF") under federal and state guidelines to provide financing for business expanding in or relocating to El Paso; and

**WHEREAS**, the City and the County established the RLF to benefit both entities by targeting resources of the City and County toward small businesses that (i) can best help the City and County achieve long-term economic development objectives, and (ii) can contribute to the City's and the County's economic base and, simultaneously, create and retain jobs.; and

**WHEREAS**, the City and the County desire to amend the Interlocal Agreement in certain respects;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the First Amended Interlocal Agreement between the City of El Paso and the County of El Paso, to revise the Joint Revolving Loan Fund ("RLF") to be administered by Chase Bank of Texas, N.A., which will utilize funds provided by the U.S. Department of Commerce Economic Development Administration and the Texas Department of Housing and Community Affairs to provide financing for businesses expanding in or relocating to El Paso. Revisions to the Interlocal Agreement shall include participation in the Revolving Loan Program by additional lending institutions, elimination of the Loan Committee of the RLF Board, and allocation between the respective portions of the City and the County of additional funds which may be contributed to the Joint RLF.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to accept on behalf of the El Paso City-County Health & Environmental District a Ten Thousand Dollar (\$10,000) grant from the March of Dimes for the Healthy Babies in Healthy Communities' Folic Acid Campaign.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**That** the Mayor and City Council approve the budget transfer for the March of Dimes grant in the amount of \$10,000 to appropriate funds into proper subobjects.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Barter Agreement between the CITY OF EL PASO and KBNA/KAMA Radio, Inc. to provide Two Hundred Fifty (250) pool passes in exchange for Fourteen (14) hours of live remote broadcast time to promote the Parks & Recreation Aquatics Division and the Gus & Goldie Birthday Celebration.

Representative Medina acknowledged KBNA/KAMA Radio, Inc. regarding the broadcast time.

Mr. Charles Nutter, Director of Parks & Recreation, explained that this will be a real beneficial asset for the Aquatics and Gus & Goldie programs.

ADDRESS

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

## AQUATICS

.....  
**\*BECOMING\***  
 .....

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

## AQUATICS

4 REGULAR COUNCIL MEETING - MAY 8, 2001

RATES PER HR: \$5.35  
CONTRACT NO: 2000/2001-261

3. CONTRACTOR: Carla E. Medrano, Swim Instructor I, Step 1  
DATES: April 24, 2001, thru September 30, 2001  
RATES PER HR: \$5.35  
CONTRACT NO: 2000/2001-262

4. CONTRACTOR: Miguel Angel Uribarri, Lifeguard I, Step 2  
DATES: April 16, 2001, thru September 30, 2001  
RATES PER HR: \$6.20  
CONTRACT NO: 2000/2001-263

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreements between the City of El Paso and the following Volunteers to present programs at various branches of the El Paso Public Library.

1. Ballet Folkorico Azteca
2. Mariachi Los Pasajeros
3. Carlos Perales
4. Nancy Green
5. Dr. Sal Morales
6. S. Customs, K-9 Division
7. El Paso Electric Co., Ernie-G. Watts
8. Carlos Perales, Robotics
9. Insights El Paso Science Museum Travel Van

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with DANIEL ANCHONDO, ATTORNEY AT LAW to lend them One (1) 32 Gallon Container and Two (2) 8 Gallon Baskets in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with MID-WEST TEXTILE to lend them Two (2) 32 Gallon Containers in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: ESCAJEDA, CARME, Mr. W.T. SCHWARZABACH of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2334 Copper Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lots N 80 FT OF 17 & 18 (4000 SQ FT), Block 69, Highland Park Subdivision, Parcel H453-999-0690-7000,

to be ONE HUNDRED AND 67/100 DOLLARS (\$100.67) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twentieth day of November, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of One Hundred and 67/100 DOLLARS (\$100.67) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: HOMER VARELA of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2818 Lebanon Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lots 11 & 12, Block 5, Manhattan Heights Subdivision, Parcel M056-999-0050-3100,

to be SIXTY SIX AND 03/100 DOLLARS (\$66.03) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixteenth day of October, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Sixty Six and 03/100 Dollars (\$66.03) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: CARMEN C. RODRIGUEZ of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3731 Findley Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 29 (3500 SQ FT), Block 23, Woodlawn Subdivision, Parcel W886-999-0230-7600,

to be SEVENTY FOUR AND 15/100 DOLLARS (\$74.15) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eleventh day of October, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Seventy Four and 15/100 Dollars (\$74.15) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: DAVID KRAHL of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10128 Montwood Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 2 EXC E 20.2 FT, Block 83, Eastwood Heights Subdivision, Parcel E222-999-0830-0600,

to be EIGHTY AND 11/100 DOLLARS (\$80.11) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixteenth and day of October, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Eighty and 11/100 Dollars (\$80.11) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 29<sup>th</sup> day of May, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3100 Dyer Street, in El Paso, Texas, whicl property is more particularly described as:

432



Lots: 9 through 16, both inclusive, Block 109, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 60, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ramon Orona and Rebecca Martinez Orona, 3100 Dyer Street, El Paso, Texas 79930 are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

Representative Sumrall questioned whether the taxes on this property have been paid. She stated that she wanted the public to be aware that the City is diligently pursuing delinquent taxes.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained that there has not been any change. She explained the differences between "struck off" property and "condemnation" cases.

Mr. Edward Hernandez, attorney with Delgado Acosta Spencer Linebarger Heard & Perez LLP, addressed Representative Sumrall's concerns.

Motion made by Representative Medina, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

### RESOLUTION

You are hereby notified that at 9:00 a.m. on the 29<sup>th</sup> day of May, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7091 Yvonne Ct., in El Paso, Texas, which property is more particularly described as:

Lot: 4, Block 12, Millers Lakeside Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 5, Page 7, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Aurelio O. Barron AKA Aurelio O. Barron, Jr., 7091 Yvonne Ct., El Paso, Texas 79915 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

Please see above discussion.

Motion made by Representative Medina, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

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\*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 5<sup>th</sup> day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2104 Lake Omega Street, in El Paso, Texas, which property is more particularly described as:

Lot: 3, Block 350, Vista Del Sol Unit Sixty Four Replat "B", an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 58, Page 39, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Theo J. & Myrtle O. Wagner, 10111 Woodway Dr., El Paso, Texas, Toni Renee Wagner Hegstrom, 4802 W. Earhart Way, Chandler, AZ 85226, and Thea D. W. Chambers, 3700 Talent Way, Horizon City, Texas 79927 are listed as the owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

\*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 5<sup>th</sup> day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 11334-11336 Lake Loy Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 16, Block 351, Vista Del Sol Unit Eighty Six, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 60, Page 12, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Theo J. & Myrtle O. Wagner are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

.....  
\*Motion made, seconded and unanimously carried to allocate \$2,000.00 from District 8 discretionary funds to replace the sign at the Missouri Recreation and Community Center for the purpose of renaming it Leona Ford Washington Recreation Center as requested by Representative Hernandez.  
.....

\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Pleasant Hills Unit Seven, Phase II

Street Improvements:

Round Rock Drive - from Northeast Property Line of Lot 20, Block 14 to Northeast Property Line of Lot 30, Block 14  
Pearl Sands Drive - from Round Rock Drive to Northeast Property Line of Lot 19, Block 31  
Red Sands Court - from Pearl Sands Drive to the end of cul-de-sac  
Reef Sands Drive - from Pearl Sands Drive to Southeast property line of Lot 16, Block 31  
Coral Sands Drive - from Round Rock Drive to Northeast Property Line of Lot 27, Block 16

Drainage Improvements:

Round Rock Drive - 164.80' of 30.0" R.C.P.; and 1-14 Grate Drop Inlet Type III  
Pearl Sands Drive - 103.80' of 30.0" R.C.P.; 1-14 Grate Drop Inlet Type III; and 2-Junction Boxes/48.0" Manhole  
40 ft. Drainage Easement - West of the existing concrete channel; 103.65' of 48.0" R.C.P.; 2-Headwalls, and 55' x 34' of concrete channel  
15 ft. Drainage Easement - at Lot 29, Block 14; 281.92' of 36.0" R.C.P.; 1-Junction Box/48.0" Manhole; and 81.64' of 48.0" R.C.P.

.....  
\*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Gloria Jett, Public Safety Calltaker
- B. Sharon Romero, Police Processing Operator

.....  
\*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Building Maintenance Worker I, Parks & Recreation (1 position)

.....  
\*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Recreation Leader II, Parks & Recreation (1 position)
- B. Recreation Leader II, Parks & Recreation (1 position)

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Planning Department:

Delete	1	Assistant Director of Planning, Research & Development	EX D
Add	1	Chief Urban Planner/Land Development Current Planning	EX H
Add	1	Secretary I	GS 13

.....

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #S979-999-0080-5900, \$243.14 per month installments on a balance of \$2,212.15 for 2000 taxes; Adalberto Salazar - 503 Prospect St.
- B. PID #M946-999-0230-0100, G492-999-0010-1700, 0632-999-9000-0000 \$2,740.52 per month installments on a balance of \$9,296.45 for 2000 taxes; Robles & Sons Inc., - 9207 Montana Ave. #B.
- C. PID #0823-999-1287-0034, \$1,072.24 per month installments on a balance of \$3,226.54 for 1994, 1995, 1996, 1997, 1998, 1999 & 2000 taxes; Joseph N. Main, CPA - 661 S. Mesa Hills.
- D. PID #0146-999-4020-0000, \$3,597.62 per month installments on a balance of \$20,957.79 for 1999 & 2000 taxes; Why Wastewater, Inc., - 3350 Doniphan.
- E. PID #0826-999-2599-0042, \$1,349.06 per month installments on a balance of \$4,067.90 for 1994, 1995, 1996, 1997, 1998, 1999 & 2000 taxes; Celestra Graphics - 11700 Gateway East.
- F. PID #V088-999-0020-3100 & #V088-999-0020-3100, \$2,435.59 per month installments on a balance of \$18,568.70 for 1998, 1999 & 2000 taxes; Lawrence S. Waltzer - 206 Raynolds St.
- G. PID #F841-999-0010-1950, \$586.51 per month installments on a balance of \$6,903.23 f 1997, 1998, 1999 & 2000 taxes; Janet Pascoe - 4000 Tierra Santa Pl.
- H. PID #L011-999-0000-2500, \$204.61 per month installments on a balance of \$2,330.97 for 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999 & 2000 taxes; Vivian & Anita Villalobos - 9 San Marcos Dr.
- I. PID #1997-000-2008-0054, \$3,301.68 per month installments on a balance of \$19,260.40 for 1998, 1999 & 2000 taxes; Speedy Wash/Dry Clean % Luis Zepeda - 11360 Horizon Blvd.
- J. PID #N425-999-0040-2100, \$513.31 per month installments on a balance of \$2,577.89 for 2000 taxes; Jaime & Jeannette Camacho - 4301 Loma De Brisas.

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\*Motion made, seconded and unanimously carried to approve the request of Ronnie Oliver to block off Imperial Gem between Belfry Park and Blazon Gold on June 9, 2001 from 6:00 p.m. to 12:00 a.m. for a block party. Approximately 100 persons will participate. This request includes permission to use amplification (DJ). Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-047  
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.....  
\*Motion made, seconded and unanimously carried to approve the request of Araceli Schmidt/Templo Luz Divina to use amplification (1 amplifier, 5 microphones, 2 speakers) at Memorial Park on May 12, 2001 from 11:00 a.m. to 4:00 p.m. Approximately 23 persons will use amplification and 100 spectators are anticipated. PERMIT NO. 01-049.  
.....

**RESOLUTION CANVASSING RETURNS  
OF 2001 CITY GENERAL ELECTION**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

WHEREAS, the City Council of the City of El Paso ordered an election to be held in said City on May 5, 2001, for the purpose of electing City officials for the ensuing two years in accordance with the Charter of the City of El Paso; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council officially finds and determines that said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the ordinance calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the following officers by the resident, qualified electors of said City, who voted at the election:

**MAYOR**

Presi Ortega	6,009
Carl Starr	215
Raymond C. (Ray) Caballero	29,679
Larry Francis	24,705
Leeland O. White	211
Belen B. Robles	2,644

**DISTRICT REPRESENTATIVE NO. 1**

Jan Sumrall	9,793
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**DISTRICT REPRESENTATIVE NO. 2**

Betti Flores	2,294
Bernie Molina Canton	537
Rose Rodriguez	2,150

**DISTRICT REPRESENTATIVE NO. 3**

Ernie Valdez	2,853
Lorenzo "Larry" Medina	3,344

**DISTRICT REPRESENTATIVE NO. 4**

Stan Roberts	2,764
Connie Roberts	1,299
P.D'Anne Smith	172
Carl L. Robinson	728
John Cook	3,356

**DISTRICT REPRESENTATIVE NO. 5**

Dan Chavez	4,070
Gary Lee Orozco	1,812
Dan Power	5,174

**DISTRICT REPRESENTATIVE NO. 6**

Eddie Holguin, Jr.	1,419
Paul Escobar	2,804
Jay J. Armes	1,871

**DISTRICT REPRESENTATIVE NO. 7**

Luis G. Sariñana	3,539
John-John C. Chatman	2,890

**DISTRICT REPRESENTATIVE NO. 8**

John Kitridge	355
Elvia G. Hernandez	1,638
Herman Delgado	246
Anthony W. Cobos	1,862

**JUDGE MUNICIPAL COURT NO. 1**

David A. Bonilla	21,858
Maria Ramirez	21,046
Max Munoz	9,736

**JUDGE MUNICIPAL COURT NO. 2**

Angie Juarez Barill	38,457
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**JUDGE MUNICIPAL COURT NO. 3**

Richard Porras	37,528
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**JUDGE MUNICIPAL COURT NO. 4**

Robert S. Anchondo	38,133
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**JUDGE MUNICIPAL COURT NO. 5**

Daniel "Danny" Robledo	37,340
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**JUDGE, MUNICIPAL COURT OF APPEALS**

Odell S. Holmes, Jr.	38,014
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**PROPOSITION**

Shall the City of El Paso lease the real property commonly known as two portions of Middle Drain Park, also known as Pueblo Viejo Park, and described in the ordinance which called this election?

FOR)	34,703
AGAINST)	18,659

3. That in the case of the offices of Mayor, Representative District 2, Representative District 4, Representative District 5, Representative District 6, Representative District 8, and Judge, Municipal Court No 1, no person received a majority of all votes cast for the candidates for each such office, and accordingly no one for these offices is declared elected and a runoff election is to be called by the Mayor in accordance with



the Texas Election Code; and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof.

4. That in the case of the following offices, the following persons who received a majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms, or until the election and qualification of their successors:

**DISTRICT REPRESENTATIVE NO. 1**

Jan Sumrall

**DISTRICT REPRESENTATIVE NO. 3**

Lorenzo "Larry" Medina

**DISTRICT REPRESENTATIVE NO. 7**

Luis G. Sarinana

**JUDGE MUNICIPAL COURT NO. 2**

Angie Juarez Barill

**JUDGE MUNICIPAL COURT NO. 3**

Richard Porras

**JUDGE MUNICIPAL COURT NO. 4**

Robert S. Anchondo

**JUDGE MUNICIPAL COURT NO. 5**

Daniel "Danny" Robledo

**JUDGE, MUNICIPAL COURT OF APPEALS**

Odell S. Holmes, Jr.

5. That in case of the sole Proposition on the ballot, the City Council officially finds, determines and declares the result of the voting on said proposition to be that it has received a favorable majority vote in all respects and has carried.

6. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the May 5, 2001 General Election showing the number of votes cast in each precinct for each candidate.

7. That this resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

Motion made by Representative Ortega, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone two (2) weeks an Ordinance approving the Rim-University Neighborhood Plan as a specific study area plan to be incorporated into the City's comprehensive plan, *The Plan for El Paso*, and which Neighborhood Plan shall amend the Year 2025 General Land Use map incorporated therein as to the Rim-University Neighborhood.

Ms. Pat Adatao, Planning Director, presented Council Members with a Powerpoint presentation. (See copy of slide presentation attached to the Minutes). She made her recommendations known to Council Members through the Powerpoint presentation. She explained that numerous neighborhood meetings have been held and so that interested parties would attend, notices were mailed out. She then stated the number of letters in opposition of the Plan, the number of those in opposition of the NCO Designation but in support of the Plan, and finally those in favor of the Plan. She explained that the labels, which were utilized for the mailings, were provided utilizing data from the Central Appraisal District. She added that hard copies of the Plan were hand-delivered to each of the properties.

Representatives Sariñana, Hernandez, Sumrall, Medina, Cook, Escobar and Ortega made comments which were addressed by either Ms. Adatao, the Mayor, Judge Barill or Mr. Charlie McNabb, City Attorney,

Mayor Carlos M. Ramirez highlighted comments made by Ms. Adatao. He explained that there were 50 meetings, extensive media coverage and that the neighborhood association is in favor of this. He made comments regarding the delays brought on by the City Plan Commission.

Ms. Adatao expounded on the commercial conversion issues. She stated that the Plan does adequately address the commercial conversion issues.

Ms. Risher Gilbert, Rim Area Neighborhood Association representative, addressed the comments made by Council Members. She explained that the residents and the commercial property owners were initially not speaking to each other, however, after several meetings the two sides were able to compromise and come to an agreement. She explained that she has been working on this project pro bono and added that she has been working around the City's deadlines. She explained that after much discussion and compromise, the neighborhood association was pleased with the Plan; however, now with the addition of the vacant lot/parking lot, this issue has become an additional strain. She asked that Council Members direct the City Plan Commission to make their recommendation and allow the Plan to move forward.

Judge Angie Barill, 220 Blacker, explained to Council Members the history of this project. She reiterated that there were 50 meetings and that a compromise has been reached. She asked Council Members to direct the City Plan Commission to make a decision.

Mr. Charlie McNabb, City Attorney, addressed comments made by Representative Sariñana. Mr. McNabb explained that there is a 30 day provision which relates to when Council sends an item to the City Plan Commission for recommendation, the Commission would then return their recommendation to Council. This Plan was given to the City Plan Commission over a year and half ago for their recommendation. He stated that he has concerns regarding the State statute which takes precedent over the City's Ordinance, the State statute states that the Council needs a recommendation from the City Plan Commission. He explained that the Council could not take action on this item until the City Plan Commission makes their recommendation.

Mayor Ramirez stated that the appropriate action for Council to take would be to direct the City Plan Commission to hear these items at their next meeting on May 17, 2001, and to make their recommendation at that meeting.

Representative Sumrall made the Motion made that Council Members direct the CPC to take action at their meeting on May 17, 2001 and to have a recommendation for Council Members. Representative Cook seconded the Motion; however, the Motion to postpone two weeks was the motion acted upon..

Mr. Alan Simpson, City Plan Commission member, explained that the matter was first brought to the CPC on April 19<sup>th</sup> and again on May 3<sup>rd</sup>. He stated that at the April meeting a discussion was held and the commercial property owners stated their concerns, as well as, the neighborhood association. He explained

that the CPC recommended that the two parties meet and come to an agreement and then come back in two weeks for the CPC's recommendation. He then stated that he received correspondence from Ms. Ann Morgan Lily, President of the Rim Road Neighborhood Association, which stated that the Board had voted not to recommend any changes to the Plan. He explained that the CPC members understood the letter to mean that the parties could not come to an agreement, therefore, the members of the CPC voted to postpone the item for 60 days.

Mayor Ramirez stated that a Motion has been made, and seconded that Council Members direct the CPC to take action at their meeting on May 17, 2001 and to have a recommendation for Council Members.

Ms. Lillian Cisneros, 321 Blanchard Avenue, explained to Council Members that her home is located directly behind 2101 North Stanton, a vacant lot, and elaborated on the problems she has encountered with that lot. She is in favor of building a parking lot on the vacant lot.

Ms. Gilbert responded to Ms. Cisneros comments.

Ms. Sherry Mowles, architect, stated that the City of El Paso is lucky to have Ms. Adauto as a Department Head. She explained that she lives in her grandmother's historic house which is adjacent to the vacant lot. She added that she has been involved with the Plan for the last 14 months. She provided a rendering, drawn by David Nagabayashi, which explained the intentions of Dr. Alpern.

Mr. Victor Firth, attorney representing Dr. Alpern, explained that Dr. Alpern owns two properties along the Stanton Street Corridor and Dr. Alpern has concerns regarding some ambiguities of the Ordinance and the Plan. He hypothetically spoke about Dr. Alpern wanting to remodel some examination rooms in his office and applying for a building permit. He stated that Dr. Alpern is concerned regarding the meaning of "NC" (no change). He elaborated on the doctor's intentions of the vacant lot.

Dr. Alpern, an eye surgeon, thanked Ms. Gilbert and Ms. Adauto for their hard work. He explained that April 9<sup>th</sup> was the first time he had attended a meeting and that there are other commercial entities who were not aware of the previous meetings. He addressed the signage issue and explained that due the nature of his practice it is not appropriate to limit the size of the signs. He has been at this current location for 20 years.

Mr. David Bernard, attorney representing HCA, stated that HCA has a tremendous investment in their property and this community and have been doing surgery at this location for 24 years. He stated that two weeks is not enough time, however, he is willing to work with the neighborhood association and the other interested parties.

Mr. Terry Williams, Deputy Director of Building Services, clarified that comments made by Mr. Firth were incorrect. He expounded on new construction ordinance language and addressed Representative Hernandez' concern regarding the size of the signage.

Mayor Ramirez restated that there is a Motion. Ms. Gilbert stated that all issues will be looked into and everyone will be heard.

Dr. Alpern explained that he has instructed his architects to design the parking lot congruent with the neighborhood plan and that he is willing to compromise.

Mr. McNabb summarized stating that the items would be postponed two weeks and that the City Plan Commission give their recommendation to Council following their meeting on the 17<sup>th</sup>.

.....

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone two (2) weeks an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.08 (General Design and Use Regulations) by adding requirements for a neighborhood conservancy overlay, and by permitting such overlay designation through a special permit process within Chapters 20.10 (R-F Ranch and Farm District), 20.12 (R-1, R-2, R-2A, R-3 AND R-3A Residential Districts), 20.14 (R-4 and R-5 Residential Districts), 20.20 (A-1 Apartment District), 20.22 (A-2 Apartment District), 20.24 (A-3 Apartment District), 20.26 (A-4 Apartment District), 20.28 (A-O Apartment/Office District), 20.30 (A-3/O Apartment/Office High Density District), 20.52 (S-D Special Development District), 20.53 (U-P Union Plaza District), 20.54 (P-R Planned Residential I), 20.56 (P-R Planned Residential District II), and 20.61 (SRR Special Residential Revitalization District), the penalty being as provided in Chapter 20.68 of the Code.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone two (2) weeks an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.08 (General Design and Use Regulations) by adding requirements for a residential mixed-use development, and by permitting such use through a special permit process within Chapters 20.10 (R-F Ranch and Farm District), 20.12 (R-1, R-2, R-2A, R-3 AND R-3A Residential Districts), 20.14 (R-4 and R-5 Residential Districts), 20.20 (A-1 Apartment District), 20.22 (A-2 Apartment District), 20.24 (A-3 Apartment District), 20.26 (A-4 Apartment District), 20.28 (A-O Apartment/Office District), 20.30 (A-3/O Apartment/Office High Density District), 20.52 (S-D Special Development District), 20.53 (U-P UNION PLAZA DISTRICT), 20.54 (P-R Planned Residential I), 20.56 (P-R Planned Residential District II), and 20.61 (SRR Special Residential Revitalization District), the penalty being as provided in Chapter 20.68 of the Code.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone two (2) weeks the discussion and action authorizing the Planning, Research & Development Department to City-initiate and process applications for a neighborhood conservancy overlay and residential mixed-use development district for properties within the Rim-University Neighborhood pursuant to the recommendations of the approved Rim-University Neighborhood Plan.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lots 7 - 10, Block 14, Alexander Subdivision, El Paso, El Paso County, Texas (220 Blacker Avenue) from R-4 (Residential) to A-O (Apartment-Office). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Patrick R. and Angelica J. Barill, 220 Blacker Ave., 79902; ZC-99054

\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance formally establishing the Development Coordinating Committee (DCC), a technical advisory committee, and defining its membership, duties and responsibilities.

\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Title 15 (Public Services) of the El Paso Municipal Code, by amending Chapter 15.08 (Street rentals), Section 15.08.120 (Special privilege licenses) by establishing requirements and fees for the installation of temporary street displays within portions of public rights-of-way, the penalty being as provided in Section 15.08.120.K of the Code.

#### ORDINANCE 14835

The City Clerk read an Ordinance entitled: **AN ORDINANCE PARTIALLY VACATING AN EXISTING 100 FOOT WIDE EASEMENT LOCATED WITHIN LOTS 3 AND 4, BLOCK 340B, VISTA DEL SOL UNIT 69. REPLAT D, CITY OF EL PASO, EL PASO COUNTY, TEXAS (EAST OF GEORGE DIETER DRIVE AND SOUTH OF ESTHER LAMA DRIVE).**

Motion duly made by Representative Escobar, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Ortega was not present for the vote.

.....  
Motion made by Representative Hernandez, seconded by Representative Sariñana and carried to postpone two (2) weeks the public hearing to determine if the property located at 114 S. Virginia St., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Mr. Thomas Maguire, Building Services, read from a prepared statement and gave the Department's recommendation.

Mr. Gary Weiser, attorney, made comments regarding the property and the property owner's efforts to improve the property. He explained what the property owner's intentions were regarding the renovations of the building. He asked Council Members to give the property owner more time as there are 26 apartments to be remodeled, he asked for a four month extension.

Representatives Hernandez, Medina, Cook, Sumrall and Rodriguez made comments and asked questions.

Mr. Maguire explained that the process regarding this property began in January, 2001. He responded to Representative Sumrall's concern regarding jeopardizing the health, safety and welfare of the tenants by stating that yes, he believes that it does or the Department would not have brought this matter to Council Members. He commented on the engineering report, which was brought up at a meeting held two weeks ago, regarding a section of the interior of the hallway and the exterior of the building has no structural problems. He mentioned that most of the repairs to date have been cosmetic in nature, however, the plumbing and electrical problems have not been addressed. He stated that any of the repairs made to the building have been made without a permit.

Mr. Rick Gonzales, contractor, explained that he is not doing patchwork, but rather bringing up the building as best as he can. He explained that he has repaired the holes in the walls of the tenants apartments. He stated that there is more work to be done on the building. He explained that he requires more time to make the other repairs. He stated that he when he was approached to do the job he asked Mr. Maguire if he could do maintenance due to the owner paying him to do the work. He explained that Mr. Maguire let him go into the building without a permit to do maintenance. He explained that he would obtain a permit when he is ready to do the electrical and plumbing repairs. He stated that he is licensed and bonded.

Mayor Carlos M. Ramirez commented on the floor plans provided for Council's review. He explained that the floor plans are not appropriately drawn and that there is no acknowledgment from an engineer and/or architect. He expressed concern that the floor plans were not prepared by a technically capable individual. He asked Mr. Maguire whether there is a requirement for either an engineer and/or architect to submit the plans.

Mr. Maguire, explained that is required that a professional draw the floor plans.

Mr. Weiser apologized for the quality of the drawings, however, there were no discussions regarding having an engineer draw the plans. He explained that it seemed as though the City was asking the owner to do a "punch list", such as re-wire some heaters, put a floor in the bathrooms, screens on the windows, covers on the globes in each of the rooms and new plastic covers where the electrical sockets are in each room.

Mr. Maguire explained that the standards are different when referring to residential rather than commercial property. He added that the drawings need to show the size of the egress doors, size and locations of the stairwells, fire protection for the egress corridor, etc. He stated that there is a different danger of fire and a need for a rated corridor to be free from fire so that the tenants on the upper floors have enough time to get out of the building.

Mr. Reginald Bussey, Assistant City Attorney, explained the language of the Unsafe Structure Ordinance and that a detailed site plan and time schedule must be submitted at the time of the hearing.

Mr. Weiser stated that the property owner has owned this building for approximately 50 years and he also owns six or seven other properties. He stated that the owner has been at odds on various apartments and various buildings for a number of years. He added that this building is located in close proximity to the Municipal Court Building. He stated that he would provide certified, sealed plans as required, however, he asked permission to accomplish this in the first 30 days.

Mr. Bussey explained that to allow the property owner more than the 30 days, under a condemnation, the property owner would need to submit the detailed site plan and time schedule as of today in order to get the 90 days. He suggested that Council Members postpone the item to allow the property owner to develop the site development plan and then to discuss it at that time.

Mr. Charlie McNabb, City Attorney, explained to Mr. Weiser that in order to extend beyond 30 days a site development plan must be submitted. After the plan is submitted then Council Members could allow more than 30 days, however, the site development plan must be submitted. Council agreed to postpone to allow time for the property owner to provide the documentation required by Building Services.

Representative Sumrall, Representative Rodriguez voted Nay on the postponement.

Representative Ortega was out for the vote. Motion passed 5-2

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RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2917 Brian Allin Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 10, Block 193, Vista Del Sol Unit Thirty Three, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 47, Page 13, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Maria E. & Minda Navarro, 2917 Brian Allin Drive, El Paso, Texas 79936, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 8<sup>th</sup>, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Building and premises be maintained secure and clean until rehabilitated; and
  - d. That a public hearing be scheduled for July 3<sup>rd</sup>, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and if not to determine penalties; and
  - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
  - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owners any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, read from a prepared statement and gave the Department's recommendation.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to accept the recommendations of the Department and adopt the above Resolution.

Representative Ortega was not present for the vote.

.....  
 \*Motion made, seconded and unanimously carried to postpone two weeks the public hearing to determine if the Council Resolution of March 31, 2001 for the property located at 4722 Hercules Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the council order has not been complied with.

.....  
 Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to allocate Two Thousand Dollars (\$2000.00) from District 7 Discretionary Funds for special project of replacing the park sign at Hacienda Park with a new sign for the renaming of the park and park facilities as Lionel E. Forti Park as requested by Representative Luis G. Sariñana. Name change approved by City Council on March 6, 2001.

Representative Ortega was not present for the vote.

.....  
 Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying to the University of Texas at El Paso, a Texas Institute of Higher Education, two parcels of land consisting of unopened street rights-of-way for Kerbey Street and New York Street. Said rights-of-way beginning at a junction with El Paso Street; Kerbey Street being a seventy foot wide parcel of land, Block 162 and 186 and New York Street being a seventy foot wide



parcel of land, Block 186 and 190 and both terminating at Oregon Street, all in Alexander Addition, El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON MAY 22, 2001 FOR ITEM A**

- B. An Ordinance changing the zoning of a portion of Lot 100, CINECUE PARK, City of El Paso, El Paso County, Texas (8300 Block of Troy Avenue) from R-F (Ranch-Farm) to R-3A (Residential). The Penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Teodoro Martinez / Representative: Roe Engineering, 601 N. Cotton, Suite 6, El Paso, TX 79902. ZC-00081
- C. An Ordinance changing the zoning of all of Lots 11, 12 and 13, Block 105, CAMPBELL ADDITION, City of El Paso, El Paso County, Texas (604 South Kansas) from A-3 (Apartment) TO A-O (Apartment-Office). The Penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Eduardo and Josefina Soto / Representative: Ed Soltero, 6006 N. Mesa, El Paso, TX 79912. ZC-00015
- D. An Ordinance granting Special Permit No. SU-01002, to allow for a Planned Residential Development on A Portion of Tracts 1 and 2, CHRISTY TRACTS, El Paso, El Paso County, Texas (Yarbrough Drive and Mansfield Avenue) pursuant to Section 20.12.040.A (Zoning) of the El Paso Municipal Code. Applicant: Carefree Homes / Representative: Roe Engineering, 601 N. Cotton, Suite 6, El Paso, TX 79902.

**PUBLIC HEARING WILL BE HELD ON MAY 29, 2001 FOR ITEMS B - D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. TNRCC Docket No. 2001-0099-AIR-E
- B. KIRBYVILLE INDEPENDENT SCHOOL DISTRICT and JACKSONVILLE INDEPENDENT SCHOOL DISTRICT, et al. vs. GEORGIA-PACIFIC CORPORATION, CIVIL ACTION NO. 1:01CV88, Our File No. 96-S-28 (551.071)
- C. Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone one week TNRCC Docket No. 2001-0099-AIR-E

Representatives Ortega and Sariñana were not present for the vote.

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No action was taken regarding the KIRBYVILLE INDEPENDENT SCHOOL DISTRICT and JACKSONVILLE INDEPENDENT SCHOOL DISTRICT, et al. vs. GEORGIA-PACIFIC CORPORATION, CIVIL ACTION NO. 1:01CV88, Our File No. 96-S-28

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney **AUTHORIZE OUTSIDE COUNCIL TO PRESENT SETTLEMENT PROPOSAL** in the lawsuit entitled **Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21** as recommended by the City Attorney.

Representatives Ortega and Sariñana were not present for the vote.

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Motion made by Representative Cook, seconded by Representative Hernandez and unanimously carried to adjourn this meeting at 12:30 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Charles McNabb, City Attorney